

PATENT
674523-2006.1

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : KINGSMAN et al.
Serial No. : 09/867,947
Filing Date : May 29, 2001
Title of Invention : RETROVIRAL VECTORS
Group Art Unit : 1633
Examiner : To Be Assigned

745 Fifth Avenue
New York, NY 10151

Transmitted date: 02/24/2003 LDIEP1
02/24/2003 BNGUYEN1 00000066 09867947
01 FC:1460 -130.00 OP

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Date of Deposit: January 30, 2003

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Edward Nay
(Typed or printed name of person mailing paper or fee)

Edward Nay
(Signature of person mailing paper or fee)

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PETITION TO ASSIGN THE FILING DATE UNDER 37 CFR 1.53(e)(2)
TO AN APPLICATION FILED UNDER 37 CFR 1.53(b)

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition the Commissioner for Patents to assign the filing date of May 29, 2001, to the above-captioned application Serial No. 09/867,947, filed under the provisions of 37 CFR 1.53(b).

Applicants received the Notice Of Incomplete Nonprovisional Application dated December 11, 2002, in which the Commissioner notified the Applicants that the divisional application filed under the provisions of 37 CFR 1.53(b) was incomplete in that the application was missing pages 72-75. For the reasons that follow, Petitioners request that the Patent and

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Trademark Office (PTO) accept that the omitted item was filed in the PTO as of the filing date of this application and refund the petition fee.

A check in the amount of \$130.00 is enclosed for the petition fee. As Petitioners respectfully assert that the PTO actually received the omitted item on the filing date of this application, Petitioners request that this fee be refunded to Deposit Account No. 50-0320. Should any additional fees be required by this Petition, the Assistant Commissioner is hereby authorized to charge such fee, or credit any overpayment, to Deposit Account No. 50-0320.

Also enclosed is a copy of pages 72-75 of the instant application and the transmittal that accompanied the specification on May 29, 2001. Pages 72-75 are identical to those of the parent application, U.S. Patent No. 6,312,683, which is incorporated by reference into the instant application (see the enclosed transmittal, item number 18).

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REMARKS

On May 29, 2001, applicants mailed by Express Mail, addressed to the Assistant Commissioner for Patents, Washington D.C., 20231, the transmittal letter for filing of a divisional application of USSN 09/238,356 filed on January 27, 1999, now U.S. Patent 6,312,683, the specification and claims of the prior application as originally filed, forty-three sheets of drawings, a copy of the Declaration and Power of Attorney as previously filed, a copy of the associate power of attorney and a sequence listing. (See the attached copy of the Customer Copy of the Express Mail label and the Express Mail Certification.) The United States Patent and Trademark Office received the express mail delivery and assigned the Serial No. 09/867,947 and filing date of 05/29/01, to the application (see the attached copy of the acknowledgement receipt). A copy of the return receipt postcard is also enclosed.

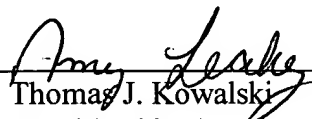
CONCLUSION

In view of the foregoing, Applicants respectfully submit that they filed in the United States Patent and Trademark Office a complete divisional application and that the application is entitled to the filing date originally assigned to the application, namely May 29, 2001. Applicants respectfully request that the Commissioner grant the petition.

The Examiner is hereby authorized to call the undersigned attorney of record on any matter connected with this application. The telephone number is area code (212) 588-0800. In the absence of the undersigned attorney of record, the call will be accepted by any attorney empowered in this application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas J. Kowalski
Reg. No. 32,147
Amy Leahy, Ph.D.
Reg. No. 47,739
Tel. (212) 588-0800
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The following due 5/29/01 in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration
☒ Amendment ☒ Express Mail Mailing Certificate (separate sheet) 15837 for \$ 872.00
☒ Preliminary Amendment
☐ Amendment After Final Rejection
☐ Request for Extension of Time
☐ Provisional Patent Application
☐ Application for Patent, including
 Pages Specification Claims
☒ Declaration ☐ Oath ☒ Power (Copy)
☒ Request for Filing Continuation of Divisional
 Application 74 sheets,
☐ File Wrapper Continuation Patent Application
 sheets, in duplicate
☐ PCT Request sheets, including
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☐ Assignment ☐ Recordation Cover Sheet
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☐ Information Disclosure Statement
☐ PTO Form 1449
☒ FEE TRANSMITTAL
☐ Brief ☒ 43 SHEETS OF DRAWINGS
☐ Application for TM registration
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☐ Status Request ☐ Notice of Appeal
☐ Petition ☒ COPY OF CHANGE OF ADDRESS
☐ Priority Document
☐ Small Entity Declaration
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☐ Application for Patent, including
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